**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928**

**Bail Appl..No. 719 of 2007()**
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**CMP.35/2007 of J.M.F.C.-I,KOCHI**
**CRIME NO.302/06 OF NARAKKAL POLICE STATION**
**.....**

**PETITIONER/ACCUSED:**
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**JIBU @ JAYARAJ, S/O.BALAN,**
**THATTAMPADICKAL, THATTAMPADI NORTH JUNCTION,**
**KARUMALLOOR.**

**BY ADV. SRI.S.SREEKUMAR**

**RESPONDENTS:**
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**STATE OF KERALA, REPRESENTED BY**
**PUBLIC PROSECUTOR, HIGH COURT OF KERALA,**
**ERNAKULAM.**
**(CRIME NO.302/2006 OF NARACKAL POLICE STATION.)**

**BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**V. RAMKUMAR, J.**

**B.A. No. 719 OF 2007**

**Dated this the 19th day of February, 2007**

**O R D E R**

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the 2nd accused in Crime No.302/2006 of Narakkal Police Station for offences punishable under Secs.323, 326 and 308 read with section 34 I.P.C., seeks his enlargement on bail. The occurrence took place on 22.7.2006 at 10.30. a.m. on the public road near a temple. Petitioner was arrested on 15.12.2006 in connection with Crime No.307/06 of the very same police station. His former arrest in this case was also recorded on the same day.

2. Eventhough the Public Prosecutor opposed the application submitting, inter alia, that the petitioner is involving in other crimes including a murder case, he fairly conceded that the final report has not been laid so far in spite of 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of

the J.F.C.M.-I, Kochi and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

c. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

d. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

**(V. RAMKUMAR, JUDGE)**

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